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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,973	06/13/2000	Rick Winkelman	018360-201592	6895

826 7590 10/24/2005

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EXAMINER

AMSBURY, WAYNE P

ART UNIT 2161 PAPER NUMBER

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/593,973	WINKELMAN ET AL.	
	Examiner Wayne Amsbury	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 September 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 April 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/25/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**CLAIMS 1-28 ADRE PENDING**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 4, 7-9, 12-14, 16, 18, 19, 22-24, 26 and 27 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Smith et al (Smith), US 6,031,623, 29**

**February 2000.**

Smith is directed to a method of evolving printer requirements [COL 1 lines 5-8] that includes using one method at a printer to determine output without altering the source code of another method [COL 2 lines 35-46].

**In the discussion that follows, the first method of Smith may correspond at times to the second method of the claims and vice versa.**

**As to claim 19:**

*An executable software program product for controlling the output format of a second computer program, said second computer program including a formatting source code for producing an output in a first format*

The method of Smith is directed to executable software products [COL 5 lines 12-22]. The formatting is applied to video formatting [COL 6 lines 9-21] and/or print formatting [COL 6 lines 58-60]. The software used by Smith is generally object-oriented, and involves hierarchies of class structures [COL 9 lines 57-65]. The class hierarchy is modified during run-time in order to effect functional evolution by overriding one method with another [COL 10 lines 6-19].

*a recipe text file comprising a plurality of formatting descriptions, at least some of said formatting descriptions indicating a link to one or more of a plurality of name/value pairs stored in an input data file;*

A class definition includes a signature that includes a name and argument types and a pointer variables for entry point values determined at run-time [COL 10 lines 20-40]. The pointers at least correspond to links to a plurality of name/value pairs. The class definition corresponds to a recipe text file and the values determined at run time to an input data file.

*an execution module configured to:*

*receive said input data file;*

*convert said recipe text file into a sequence of executable objects,*

*receive a request from said second computer program to render said output*

The binding of a class definition to a particular run-time instantiation corresponds to conversion to a sequence of executable objects [COL 10 line 41 to COL 11 line 8].

The request to render initiates from a user program **24** [FIG 2] that is rendered at **246**.

*execute said sequence of executable objects to render one or more of said plurality of name/value pairs into said output in a second format in accordance with said plurality of formatting descriptions without modifying said formatting source code.*

The actual rendering is done by a print process [COL 9 lines 18-28]. Run-time polymorphism [COL 10 line 58 and after], allows for a run-time selection of one formatting process without modifying the source code of any others, including the base class from which a particular fun-time formatting is derived [COL 10 lines6-19].

In particular, a print request from a user may modified with additional functional capability without modifying (recompiling) the legacy software that issued the request [COL 3 lines 4-15].

As to **claim 26**, the polymorphic class definitions and/or the methods evolved from legacy software, as noted above, correspond to modification of the input data text file of a base method.

The elements of **claims 1, 3, 4, 7-9, 12-14, 16, 18, 19, 22-24 and 27** are rejected in the analysis above and these claims are rejected on that basis.

**3. Claims 2, 5, 6, 10, 11, 15, 17, 20, 21, 25 and 28 are rejected under 35**

**U.S.C. 103(a) as being unpatentable over Smith et al (Smith), US 6,031,623, 29**

**February 2000.**

As to **claims 20, 21 and 28**, Smith does not address the particular form of display that is rendered in the form of labels and reports.

**Official Notice** is taken that it was well known at the time of the invention to print both labels and reports. [This evidenced by a number of references cited during the prosecution of this application.]

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to display/print labels and/or reports because of the general utility of these forms. To preclude them would diminish the applications of the system with no apparent gain.

As to **claim 25**, Smith addresses the application of graphics rendering methods [COL 3 lines 29-34], but does not address the testing of values with respect to a range of values. **Official Notice** is taken that graphics rendering includes the testing of values with respect to a range of values. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to test values with respect to a range because ranges of values are common constraints in rendering.

The elements of **claims 2, 5, 6, 10, 11, 15, 17** are rejected in the analysis above and these claims are rejected on that basis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

*Wayne*  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER